



Planning Board Meeting
Monday, April 23, 2012
City Hall, Council Chambers, at 7:00 pm

Minutes

I. Roll Call

Present: Peter Guillette, Bruce Kolenda, Stephen Cutts, Andrew Austin, Ruben Ramirez, James Short (alt), Kenneth Harlow (alt), Russell Fowler (alt), Victor Bergeron (alt), James Neilsen, IV

Absent: William Greenrose, Richard Wahrlich

City Staff: Tracey Hutton, City Planner; Kelly LeBlanc, Administrative Assistant

Rusty Fowler will sit in for William Greenrose
Kenneth Harlow will sit in for Richard Wahrlich

II. Review of Minutes

Motion: to approve minutes from April 9, 2012.

Made By: Mr. Cutts **Second:** Mr. Ramirez **Vote:** Unanimous

III. Old Business

- **(PB2012-0005) Danielle Weisner, Claremont, NH.** Site Plan under Appendix C Article II of the City Code to establish a trash disposal business (no trash on site). Property Location: **165 Sugar River Drive**, Tax Map 159, Lot 1, Zoning District RR.

The applicant seeks site plan approval to conduct a waste disposal service business on the above site in accordance with the variance granted for the use on July 5, 2005. Since this use is now non-residential, not a home occupation, site plan review is required.

A site visit was held on Saturday, April 21, 2012.
The application is considered to be complete.

Chair Guillette read an email from board member William Greenrose who was unable to attend the Planning Board meeting. Key points from the letters are as follows:

- ‘Aerial Photography... shows that the streambed has changed location since the 1940s and is now approx. 30 feet closer to the property owner’s land.’
- ‘From our walkthrough it also was clear that the development of the housing alongside the property owner’s land significantly affected the stream, changing its path and increasing the runoff into the stream.’
- ‘Once the old streambed wall was breached, it became the normal path for flood waters to follow onto the property owner’s land.’

- In relation to the elevations of the road, the pit and the abutter's property... 'the matter is moot (it does not make a difference), because the sheer volume of water that comes from the stream when it floods, as shown in photographs provided by both the property owner and abutter, would easily exceed the capacity of the gravel pit.'
- 'I think the combination of the changes to the streambed location caused by land development adjacent to, but not on the property owner's land, and by recent (within the last 6 years) environmental changes that have resulted in extreme rain events are by far the largest contributors to the flooding problem. If this is true, then the land owner should not be held responsible for the flooding problem on the abutter's land.'

Mr. Short asked how bad the flooding was on the property. The water went up to the houses during times of flooding.

Mr. Kolenda stated that as a lay person it was obvious that a lot of the flooding issues were caused by years of build-up, but not necessarily the back fill of the applicant's property. The abutter's home seems to be lower than other neighborhood houses but this is not the applicant's problem.

Mr. Austin stated that he concurs with the statements of Mr. Greenrose. Much of the stream and sediment have moved but the retention pond is not the key issue. Mr. Fowler also agrees with Mr. Greenrose.

Erin Darrow, Right Angle Engineering, appreciated the thought and concern that has gone into the process. Jonathan Sisson, Beaver Tracks, and Tom Dombrowski, surveyor, have all worked extensively on this project to identify the most logical solution. The berm is no longer considered a logical solution and could potentially exacerbate the situation. While the berm might provide temporary overland protection, it will not stop water from flowing through the soil under the berm. Abutters expressed concern about adding a berm at the Zoning Board meeting.

Ms. Darrow presented a slide show to the board depicting the pond/wetland area. The water from the stream enters the property before the pond overflows. While the pond can overtop onto the abutters property, the stream floods the abutter's property before the pond. Chair Guillette stated the stream has moved 30-40 feet since the 1940s. Ms. Darrow concurred that the natural stream channel has changed. Chair Guillette stated that this has been an issue since 1948.

Ms. Darrow stated that the applicant is looking to install a landscape buffer that will act as a screen from the abutting properties. This will adhere to the variance. Evergreen species of trees will be planted on the west side of the property. While not required by the variance, day lilies will be planted on the slope to slow drainage and add aesthetic beauty. A fence will be erected as a visual screen until the trees have become an adequate buffer. No driveway or site changes proposed.

Open Public Hearing

Mr. Stephen Nemkovich, abutter, thanked the board for viewing the properties. He agreed that the stream has moved but claimed it has not moved since they put in their residence. Mr. Nemkovich agreed that 2006 was a heavy rain year but it does not account for the current problem. He stated that when you walk the site the water from the stream does not leave the banks. The flooding originates from the pit [pond] as it cannot take as much water as it used to.

Fill in the pond is the main cause of the flooding. The Nemkovich family has lived on the property for over 40 years and the elevation of the property has not changed. Mr. Nemkovich stated that the Sugar River Drive culvert is no concern. Until 2006 they have not has this problem.

Mr. Fowler stated that along East Mountain Road some of the homes would have been contributing factors for the water being diverted onto the Weisner's property.

Mr. Ramirez stated that this is an unfortunate culmination over the years. He feels, as a non scientist, the stream change over the years would have impacted the flooding. The fault is not on the applicant. Mr. Cutts stated that streams in many areas have changed and this is an unfortunate situation. Mr. Austin stated that the resolution is not clear but it does not pertain to the Weisner property. The Weisner's cannot solve the problem.

Close Public Hearing

Mr. Bergeron asked if all of the snow is plowed over the bank into the pit. Ms. Darrow stated that the snow does not get pushed into the pit. Daniele Weiser stated that no snow is pushed towards the pit.

Mr. Harlow and Mr. Cutts will abstain from voting as they were not present at the site visit.

Motion: to grant the application for a site plan amendment with Conditions: (1) The applicant shall obtain and receive approval for all necessary permits as determined by the Local, State, and Federal governments. (2) The applicant shall obtain and receive approval for all necessary permits as determined by the City of Claremont Planning and Development Department, (3) Prior to issuance of a Certificate of Occupancy, the owner/applicant shall notify the Zoning Administrator and Building Inspector that the project is ready for final inspection. Completion of the project shall be in substantial compliance with the plans submitted for review and all conditions of approval, (4) Site Plans are valid for two (2) years from the date of approval. If a building permit has not been issued before the two-year deadline, the site plan is no longer valid and must be recertified through the Planning Board, and (5) Two (2) mylars in a form suitable for recording at the Sullivan county Registry of Deeds must be provided. Proposed Site specific Condition (1) Evergreen landscaped buffer to be planted at 1 tree per 80 square feet, of vegetative stock no less than 2" DBH.

Made By: Mr. Fowler **Second:** Mr. Kolenda **Vote:** Unanimous

Abstentions: Mr. Harlow and Mr. Cutts

IV. Adjournment

Motion: to adjourn

Made By: Mr. Kolenda **Second:** Mr. Harlow **Vote:** Unanimous

Meeting adjourned at 7:48PM
Respectfully Submitted by,
Kelly LeBlanc, Administrative Assistant